

ORDINANCE # 140

Zoning and Planning Regulations of Indianapolis

Containing the zoning and planning regulations
as enacted and contained in Title 11 of the
MUNICIPAL CODE OF INDIANAPOLIS,
1951

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TITLE 11
CITY PLAN COMMISSION AND BOARD OF ZONING APPEALS
ORDINANCES, AS CODIFIED HEREIN, AND ZONING
THOROUGHFARE PLAN AND PLATS

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CHAPTER 1

CODIFICATION OF ZONING ORDINANCES

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11-100. Statement of prior ordinances and forms adopted herein for codifying zoning ordinances.—(1) The original comprehensive zoning ordinance adopted for this city, General Ordinance No. 114, 1922, as amended, was repealed and reordained, as changed, by General Ordinance No. 104, 1950, except section 22 of such original ordinance which was amended and so continued in effect by section 22 of such later ordinance, herein restated and codified as amended, and except the district zone map adopted by reference thereto by such original ordinance, which as amended, was adopted by reference thereto and continued by such

later ordinance and is also adopted by reference thereto and continued by this chapter and title in full force and effect.

(2) This chapter of title 11 constitutes a restatement, codification and reordainment of the aforesaid General Ordinance No. 104, 1950, as amended in its text by General Ordinances Nos. 12, 28 and 99, all of 1951, and all passed and approved prior to September 1, 1951, and the form of this chapter follows that adopted for this code, with certain changes in the text, all incorporated pursuant to the statutes authorizing the common council to revise, amend, restate, codify, recodify and compile any existing ordinances, including any comprehensive zoning ordinance heretofore ordained, as amended, and to make such changes, alterations, modifications, additions and substitutions as the common council deems best, in order to incorporate all thereof into a complete simplified Municipal Code, arranged in appropriate titles, chapters, sections, or other divisions, but excluding titles, enacting clauses, signatures of the mayor, and other formal parts, and authorizing the adoption and inclusion by reference thereto of maps, charts, standards, rules and regulations.

(3) The common council hereby determines and declares that in so restating and codifying and reordaining in this chapter all of the aforesaid existing zoning ordinances, which were in effect prior to September 1, 1951, it has set out fully and correctly all provisions thereof and it has made no changes or amendments in the text of any provisions of any of such zoning ordinances which in any way change, diminish, or add to the effect, purpose, or application thereof to the status and uses of any property, or to any rights or interests therein, or to any rights, duties or liabilities of any person having any such property rights or interests, or to any proceedings relating thereto under such zoning ordinances and statutes, but that all such changes in the text, as made in a few sections, all relate only to clarifying, harmonizing and correcting certain administrative details and provisions and for conforming the restatement and reordainment of such ordinances to the plan adopted for this code; including a renumbering of all the original sections, in the same consecutive order, to conform to the numbering system and style of this code and so that later amendments and supplements hereto may be applied to the proper places in this chapter. To retain such system for the restatement that follows, this explanatory section is numbered 11-100. The word "sub-section" preceding the figure or letter thereof, in all headings, and duplicate figures, following the same meaning in words, have been eliminated as surplusage and lower case letters, have been usually used to replace the use of capitals. The word "ordinance" referring to any zoning ordinances, has generally been replaced by the word "chapter," wherever so referring to this chapter of this title. If not so replaced, by oversight in any instance, the clerk and publisher may so change them, where so applicable. In some places, where references to other prior ordinances of this city occur, a cross-reference, in parenthesis, is made to the place in this code where any such ordinance may be found.

(4) According, as so explained aforesaid, all the zoning ordinances of this city as ordained and approved prior to September 1, 1951, and as all thereof are so restated, codified, changed and supplemented in this chapter of this title, together with the district zone map, as so amended and which is herein included by this reference thereto, are hereby reordained and continued in force and effect, as stated in section

11-130 of such codified ordinances, which are set out in the following sections of this chapter.

11-101. Statement of purpose of General Ordinance No. 104, 1950, as amended.—The purpose of this title and chapter, restating and codifying as a part of the “Municipal Code of Indianapolis, 1951,” the present comprehensive General Ordinance No. 104, 1950, as thrice amended prior to September 1, 1951 and now in effect, is to restate herein and recodify and clarify such ordinance, so as to conform such zoning ordinances to become a part of this code, and thereby to further the accomplishment of the objectives of the master plan of this city to the end that the public health, safety, comfort, morals, convenience and general public welfare be promoted; that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; that in the growth of the city provision may be made for adequate highway, utility, health, educational and recreational facilities; that residential areas provide healthy surroundings for family life; and that industry and business be recognized in the future growth of the city; that the provisions of the existing zoning ordinances be expanded and rearranged, as herein restated, reordained and revised; but with the intent and effect that the classification of all land use within the corporate limits of the city, as established by the district zoning maps heretofore adopted, enlarged and revised by said ordinance and the amendments thereto, shall continue in full force and effect and all thereof, are hereby reordained and reenacted, without any changes therein in the text, except as indicated aforesaid, and with the further purpose and intent that the board of zoning appeals, as created and designated by said General Ordinance No. 114, 1922, as amended, and as continued by the aforesaid later ordinance, herein restated, shall remain in full force and effect, as so authorized by section 65, chapter 174, Acts of 1947, of the General Assembly of the State of Indiana, and such provision of both such prior ordinances relating to said board of zoning appeals is hereby reordained and confirmed.

11-102. Definitions.—Certain words in this chapter are defined for the purpose hereof as follows:

- (1) Words used in the present tense include the future tense; the singular number includes the plural and the plural the singular; the word “lot” includes the word “plot” or “parcel” and the word “building” includes the word “structure.”
- (2) Accessory Building. A subordinate building or structure on the same lot with a main building, but separated from said building and devoted to an accessory use.
- (3) Accessory Use. A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.
- (4) Alley. A public highway, either paved or unpaved and usually unnamed and without sidewalks and being of varying widths, not in excess of thirty feet in width, and also occasionally having sidewalks, but differing from a public street in that it either intersects, or is located within a city square, or other tract of land, which is bounded on all or any sides by public streets, and is a secondary way used primarily to afford access, ingress and egress for rear or side entrance to land or structures abutting thereon, although also open and used for vehicular and

pedestrian traffic; Provided, however, That whenever any alley is designated as a street and given a name by ordinance, it shall be deemed to be a street so long as such ordinance remains in effect; but upon a repeal thereof it shall resume its status of an alley, as herein defined.

Apartment. A room or suite of rooms arranged, designed, used or intended to be used as a single housekeeping unit.

- (6) Apartment House. A building arranged, intended, designed or altered to contain three or more apartments.
- (7) Block. All that part of land fronting on one side of a street which is between two intercepting or intersecting streets.
- (8) Building. Any structure with substantial walls and roof securely affixed to land and entirely separated on all sides from any similar structure by space or by walls in which there are no communicating doors, windows or similar openings.
- (9) Dwelling House. A residential building arranged, intended, designed or altered to be occupied as a house or residence by not more than two families living independently of each other and doing their own cooking upon the premises.

Family. One or more individuals living under one roof as a single household with one head and being related to one another by marriage, consanguinity or legal adoption, with a common and single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.

Garage, Private. A compartment within or attached to a residential building either directly or by a connecting breezeway, or a detached accessory building or part thereof, designed, arranged, altered, used or intended to be used for the storage of private passenger motor vehicles or unoccupied passenger or house trailers; Provided, That such detached building is not more than one story in height, not more than fifteen feet in height, and is separated from any other building such distance as may be required by the building code or by this chapter.

Garage, Public. A building other than a private garage, designed, arranged, altered, used or intended to be used for the commercial storage, mechanical servicing or repair of motor vehicles or trailers (when such use is not on the same premises with and accessory to a permitted use).

Grade, Established. The elevation of the street curb, or roadway, as fixed by the city.

Grade, Natural. The elevation of the undisturbed natural surface of the ground adjoining a building where such surface is higher than the street curb.

Height of a building. The vertical distance measured at the center line of a building's principal front, from the established grade or from the natural grade if higher than the established grade, to the highest point in the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge of a gabled or hipped roof, or to the mean height level of a domed or curved roof measured between top of supporting wall and highest point of such roof. Where there are structures wholly or partly above the roof the height

shall be measured to the level of the highest point of the building. When a building does not adjoin a street the measurement shall be taken from the average natural grade of the ground adjoining such building.

Hotel. A building or part thereof, or a group of buildings, in which the rooms are usually occupied for hire by transient lodgers, with a public register and occupancy clerk. Includes enterprises known as "tourist homes," "motor courts," "motels," and other appellations connoting an enterprise of like character to that of a hotel as herein defined.

Lot. A parcel of land occupied or to be occupied by one building and the accessory building or uses customarily incident to the permitted use thereof, including such yards and spaces as are required by this chapter.

Lot, Corner. A lot situated at the junction of two streets which intersect at an angle of not more than 120 degrees.

(19) **Lot, Interior.** A lot other than a corner lot.

(20) **Lot Lines.** The boundaries of a lot, dividing it from abutting public ways or other abutting lots. Lot Lines are designated as follows:

(a) **Front lot line.** The dividing line between the lot and the right-of-way of the street on which it fronts. On a corner lot the shorter street line only shall be deemed to be the front lot line. If the lines are equal the plan commission may designate the front lot line.

(b) **Rear lot line.** The lot line opposite the front lot line.

(c) **Side lot line.** Any lot line other than a front or rear lot line.

Off-Street Loading Space. A ground or floor area or space within, adjoining, or on the same premises with a building or structure for standing, loading or unloading vehicles, and not located within the entire right-of-way of any public street or alley or thoroughfare provided for the movement of vehicular or pedestrian traffic and having minimum dimensions of ten feet in width, twenty-five feet in length, and fourteen feet in height clearance.

Off-Street Parking Space. A ground or floor area or space within, on the same premises with, or in a building, or on an open lot within five hundred feet of a building, structure or premises, for storage or parking of motor vehicles, motor-drawn trailer vehicles, or automobiles, as an accessory to the use of such building, structure or premises; such space containing not less than a net area of two hundred square feet for one such vehicle, exclusive of adequate interior driveways and ingress or egress driveways, and not located within the entire right-of-way of any public street or alley or thoroughfare provided for the movement of vehicular or pedestrian traffic.

Person. The word "person" shall include a natural person, corporation, copartnership, association and all other forms of organization; the masculine gender shall include the feminine and neuter genders.

Rooming House. A house or building in which the owner or lessee of the structure offers and provides sleeping accommo-

dations in more than two rooms or for more than four persons who pay for such lodging, usually on a weekly or monthly basis, and where meals may be furnished to such persons.

- (25) Street Wall. That wall of a building which is nearest and most nearly parallel to the street line.
- (26) Yard. A space on the same lot with a building, open from the ground to the sky except where otherwise permitted by this chapter. Dimensions of yard widths are the minimum horizontal distance between the walls of a building and the lot lines that are nearest and most nearly parallel thereto. Yards are designated as follows:
 - (a) Front Yard. An open unoccupied space on the same lot with a building between the front line of the building and the front line of the lot, and extending across the full width of the lot.
 - (b) Rear Yard. A space extending across the full width of the lot between the rear line of the main building and the rear line of the lot.
 - (c) Side Yard. An open unoccupied space extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of any accessory building attached thereto either directly or by a connecting breezeway.

11-103. Establishment of districts.—(a) Zone Map—Division into Classes of Districts. For the purpose of classifying, regulating and limiting the height, area and use of buildings hereafter to be erected, altered or used, and of regulating and determining the area of front, rear and side yards and other open spaces about buildings and of regulating and determining the use and intensity of use of land and lot areas and of classifying, regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for uses herein specified, the City of Indianapolis is hereby divided into five classes of use districts, termed respectively class U1 or dwelling house districts, class U2 or apartment house districts, class U3 or business districts, class U4 or first industrial districts and class U5 or second industrial districts; and into four classes of height districts, termed respectively class H1, H2, H3 and H4; and into seven classes of area districts, termed respectively class AA, A1, A2, A3, A4, A5 and A6; all as shown on the districts zoning plats, which together constitute the district or zone map, and which designate the territories and parts of the City of Indianapolis embracing the foregoing districts, as heretofore established by General Ordinance No. 114, 1922, and as thereafter amended by ordinances amendatory or supplementary thereto, and said map and plats are hereby readopted and reordained as a part of this chapter and continued in full force and effect. The use, height and area districts designated on said map and plats are all readopted, reordained and continued in full force and effect. All symbols, designations, marks and rules interpreting said symbols, designations and marks appearing on said map and plats are hereby reordained and continued and are declared a part thereof. Since it is hereby declared to be impractical to publish said map and plats for general public distribution and to incorporate them into this chapter and code, except by reference thereto, they shall be kept on file and be open to the public

in the office of the city plan commission; and all as so incorporated and reordained and continued, are hereby made a part of this chapter and code by this reference thereto.

(b) Map Interpretations. When definite distances in feet are not shown on the district zoning plats which make up the zone map, the district boundaries on said plats are intended to be along the existing street, alley, or property lines or extensions of the same and if the exact location of such line is not clear it shall be determined by the board of zoning appeals, due consideration being given to the location as indicated by the scale of the plats. Where the streets or alleys on the ground differ from the streets or alleys as shown on said plats the board of zoning appeals may apply the district designations on the plats to the streets or alleys on the ground in such manner as to conform to the intent and purpose of this chapter. Land or premises within a street, alley or other undesignated area on said plats shall be governed by the regulations of the use, height, and area district adjoining such land or premises and if adjoined by more than one class of use, height or area district each portion of such land or premises shall be governed by the regulations of the use, height and area district nearest to such portion of land or premises.

(c) U6 and U7 Uses. In addition to the five classes of use districts above specified, which are shown on the zone map, two additional classes of use which by reason of their nature cannot be shown as districts on the zone map are continued in effect, namely, U6 or prohibited uses, and U7 or special permit uses.

11-104. Scope—All buildings, etc., must comply with this chapter.—No building or structure, or part thereof, shall be erected constructed, reconstructed, or altered, and no building, structure, or land, or part thereof, shall be used except in conformity with this chapter.

11-105. Class U1 uses—Dwelling house district.—(a) Permitted uses. In a class U1 or dwelling house district, no building or part thereof shall be erected, altered or used, or premises used in whole or in part, for other than the following uses:

- (1) Dwelling, one-family. Dwelling, two-family, only when located on a lot having sufficient area to meet requirements of the area district in which the lot is located.
- (2) Public Park; public playgrounds; public recreation building, if located in a public park or playground; water supply reservoir, well or filter bed.
- (3) Railway passenger station; railway right-of-way, not including railway yards.
- (4) Growing of vegetables, fruits, flowers, grasses, shrubs, vines and trees, provided such operation is not for profit.

(b) U1 Uses Subject to Specified Requirements. In a class U1 or dwelling house district a building or structure or part thereof may, however, be erected, altered or used, or premises used in whole or in part, for any or the following uses, to-wit:

- (1) Church, including accessory building such as church school, or church office with accessory parking areas and other facilities necessary for the carrying out of the program of a church as a part of the community life.

- (2) Kindergarten, grade or high school or college or university not operated for pecuniary profit; playground, recreation or athletic field including accessory equipment, structures and parking facilities, owned, operated, maintained or supervised by a church, civic or school organization not as a commercial enterprise; public library, public museum, or community center building not located in a public park or playground. Fire Station. Police Station.

Private Club, not for profit, not including a club of which the chief activity is a service customarily carried on as a business; dormitory, or sorority or fraternity house or dwelling used for lodging, with or without meals, by the membership of a chartered organization; boarding school, when not operated for pecuniary profit.

Philanthropic or eleemosynary use of institution other than a penal or correctional institution; hospital; sanitarium; nursing home; convalescent home; and homes for the care of the aged, infirm, blind and children, other than for the insane or feeble-minded. Day nursery.

Provided, That such building, structure, or use is located:

On a lot already devoted to one of the uses enumerated in the particular subdivision of sub-section (b) of this section, in which the proposed use is classified; or

- (6) On a lot determined by the board of zoning appeals after public notice and hearing to be so located that such building or use will, in the judgment of said board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of neighboring property.
- (7) Provided, however, That any building or structure included in subdivisions (2) and (4) of this sub-section (b) is not less than five hundred feet distant by straight line from buildings or above ground tanks used for bulk storage of inflammable liquids or gases, or of materials, liquids or gases that give off corrosive or toxic fumes.

11-106. Off-street parking—When required.—(a) Within the City of Indianapolis, with the exception of the area commonly known as the mile square, which is included within the boundary lines formed by the center lines of North Street, East Street, South Street and West Street, for each building or structure erected, and for any addition to any building or structure arranged, designed or intended to be used for any of the uses enumerated in subdivisions (1), (2), (3), and (4), of sub-section (b) of section 11-105 subsequent to June 4, 1949, off-street parking spaces, conforming with the definition thereof as stated in section 11-102 (22) of this chapter, shall be provided as follows:

- (1) For every building, structure or part thereof, or premises arranged, designed or intended to be used for any of the uses enumerated in subdivisions (1) and (2) of sub-section (b) of section 11-105, there shall be provided and maintained at least one space for the storage or parking of one automobile or motor vehicle for each ten seats or similar vantage accommodations provided in such building, structure, or part thereof, or premises.

if same was not erected or devoted to such uses prior to June 4, 1949.

- (2) For every building, structure or part thereof designed, arranged or intended for use as a private club as listed in subdivision (3) of sub-section (b) of section 11-105 and erected subsequent to June 4, 1949, there shall be provided and maintained at least one space for the storage or parking of one automobile or motor vehicle for each ten seats or similar vantage accommodations provided in such building, structure or part thereof, and if such private club provides guest rooms, there shall be provided and maintained additionally at least one such parking space for each of the first twenty, individual guest rooms or suites; one additional parking space for every four guest rooms or suites in excess of twenty but not exceeding forty; and one additional parking space for every six guest rooms or suites in excess of forty, provided in the building or buildings of such private club.
- (3) For every building, structure or part thereof designed, arranged, or intended for use as a dormitory, or sorority or fraternity house or dwelling used for lodging, with or without meals, by the membership of a chartered organization, or for a boarding school when not operated for pecuniary profit, there shall be provided one such parking space for each eight occupants of such building, structure or part thereof, if erected subsequent to June 4, 1949.
- (4) For every building, structure or part thereof designed, arranged or intended to be used for any of the uses enumerated in subdivision (4) of sub-section (b) of section 11-105, there shall be provided and maintained at least one parking space for the storage or parking of one automobile or motor vehicle for every one thousand square feet of gross floor area in such building, structure or part thereof, if erected subsequent to June 4, 1949.
- (5) For every railway passenger station erected subsequent to the effective date of this chapter and code there shall be provided and maintained at least twenty spaces for the parking and storage of automobiles for each main track closely adjacent to such station.

(b) Construction of off-Street Parking Areas. All open air off-street parking areas shall be graded and properly drained, with surface paved or treated with a dust palliative, and shall be so maintained at all times.

Whenever such areas adjoin residential property, a screen of shrubbery not less than five feet high shall be planted and maintained along the property line of such adjoining property, and a barrier such as a curb, wall or guard rail strong enough to stop motor vehicles shall be provided along such property line, and also along any property line abutting on any sidewalk, street, alley, or public way, except at points of ingress or egress.

Any lights used to illuminate such parking areas shall be so installed as not to reflect or cause glare into neighboring properties or adjacent streets.

(c) Written Declaration and Certificate Required.

(1) Any person desiring and requesting a building permit for any building or structure on any premises in this city for which an off-street

parking area is required under any provisions of this title and code, or of any later ordinance, or of any statute, shall first submit such request, signed by himself, or by his legal agent, to the executive secretary of the city plan commission, upon a form prepared by him, in triplicate, in which such person shall declare and certify in substance that all such improvements and the premises will be used in accordance with all requirements of the city building code and zoning regulations applicable thereto, and that an adequate and accessible off-street parking area, as required by this title and code, is available and provided for such uses. If approved by such secretary, subject to conformance with all such building and zoning requirements, he shall so attest such approval upon such form and deliver one copy to such person and another copy to the commissioner of buildings.

(2) Such person shall present such copy of the certificate of approval by said secretary of said declaration when he applies to the commissioner of buildings for a building permit, and no permit shall be issued by him unless such approval of such declaration is so shown, or is shown by the record thereof in his office.

11-107. Class U2 uses—Apartment house district.—(a) Permitted Uses. In a class U2 or apartment house district no building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, for other than the following permitted uses:

- (1) Any use permitted under section 11-105 (a) in a U1 district.
- (2) Apartment House, three or more families.
- (3) Rooming House, Lodging House, Boarding House.

(b) U2 Uses Subject to Specified Requirements. In a class U2 or apartment house district, a building or structure or part thereof may, however, be erected, altered or used, or premises used in whole or in part for a use enumerated in subdivisions (1), (2), (3) or (4) of sub-section (b) of section 11-105, class U1 uses, if located:

- (1) On a lot already devoted to one of the uses enumerated in the particular subdivision of said sub-section (b) in which the proposed use is classified.
- (2) On a lot determined by the board of zoning appeals after public notice and hearing to be so located that such building or use will, in the judgment of said board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of neighboring property.
- (3) So that any building or structure included in subdivisions (2) or (4) of section 11-105, sub-section (b) is not less than five hundred feet distant by straight line from buildings or above ground tanks used for bulk storage of inflammable liquids or gases, or of materials, liquids or gases that give off corrosive or toxic fumes.

(c) Off-street Parking Required. Within the City of Indianapolis, except within the area commonly known as the mile square described in section 11-106, sub-section (a), for each apartment house erected, and for any addition to any existing apartment house and for each dwelling house converted to an apartment house, subsequent to June 4, 1949, there shall be provided and continuously maintained at least one off-street parking space for the storage or parking of one automobile or motor vehicle for every three apartments in such apartment house. All such

parking spaces shall conform with the definition thereof as stated in section 11-102 (22) of this chapter and shall also conform with the provisions of section 11-106, sub-sections (b) and (c).

11-108. Accessory uses in residence districts.—(a) General. An accessory use customarily incidental and subordinate to a use permitted in a class U1 or U2 district shall be permitted in, respectively, a class U1 or U2 district.

(b) Garages. In a dwelling house (U1) district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 2000 square feet of the lot area. In an apartment house (U2) district a private garage permitted as an accessory use shall not provide storage for more than one motor vehicle for each 500 square feet of the lot area.

(c) Signs. A billboard, signboard or advertising sign shall in no case be permitted as an accessory use except that the placing of a temporary sign on a building, structure, or premises offering same or part thereof "for sale" or "for rent" shall, however, be permitted as an accessory use, such sign to be removed as soon as the intended sale or rental is negotiated; Provided, That this permission shall not include signs advertising accommodations for rent to transients.

(d) Professional Uses—Customary Home Occupations. A store, trade, business or commercial service shall not be permitted as an accessory use except that the office of a physician, dentist, surgeon, chiropractor, osteopath, or naturopath may be located in the dwelling or apartment used by such physician, dentist, surgeon, chiropractor, osteopath, or naturopath, as his private home or residence; and except that any person carrying on a customary home occupation may do so in a dwelling or apartment used by him as his private home or residence.

(e) Roomers in U1 Districts. In a dwelling or apartment occupied as a private home or residence not more than two sleeping rooms may be rented to not more than a total of four persons for a definite term of not less than one week, and table board may be furnished only to such occupants. Said roomers shall not have, maintain or use any separate culinary accommodations.

(f) Newsstand in Passenger Station. A newsstand may be located in a railway passenger station as an accessory use.

11-109. Front yards in U1 or U2 districts.—(a) Front Yard Restrictions. In a U1 or U2 district, between a front yard line or building line as herein established and the front lot line, no building or structure or part thereof may be erected, altered or used other than a one story unenclosed porch or a fence or wall not exceeding 3½ feet in height.

(b) Platted Building Lines—Established by Plats, or Deeds. Whenever a plat of land subdivision approved by the city plan commission is on record in the office of the county recorder which plat shows front yard or building lines along any street frontage in such subdivision, such lines shall apply as minimum requirements, Provided, That in U1 or U2 districts, if 50 percent or more of the lots on any one side of a street in a block with such platted front yard or building line established are improved with houses set back farther than such platted line, the minimum building line shall be the average distance of such houses from the front lot line, except that no existing house with a front yard of more

than one-half ($\frac{1}{2}$) of its lot depth shall be included in computing such average distance.

Whenever a minimum front building line distance for a lot is specified in a deed or recorded covenant, but is not shown on an approved and recorded plat of such lot, such building line shall apply unless the provisions of this chapter otherwise require a greater setback, in which case the greater requirement shall prevail.

✓ (c) **Building Lines in Unimproved Blocks.** On any one side of a street in a single block between two intersecting streets, in which block no residential buildings exist on lots fronting on such side of the street, and no building line is established by recorded plat, the first house to be erected shall be placed at a building line a distance from the front lot line equal to $\frac{1}{3}$ of the average depth of the lot, or fifty feet, whichever is the lesser distance; Provided, That no building line so established shall be less than twenty feet from the front lot line. Such first house erected shall establish the building line for all houses subsequently erected in the same block and on the same side of the street in that block.

(d) **Building Lines in Improved Blocks.** On any one side of a straight street in a single block between two intersecting streets, in which block two or more buildings permitted in U1 or U2 districts exist, exclusive of buildings devoted to non-conforming or business or industrial uses and buildings set at the front lot line or at a distance of more than half the average depth of the lot back from the front lot line, and exclusive of the side line of a corner lot, any new residential building erected on a vacant lot located between two existing buildings shall be placed no nearer to the front lot line than a straight line running between the same respective corners of the two nearest houses; Provided, That on a vacant corner lot, no new house need be set back from the front lot line farther than the nearest existing house on a lot within one hundred feet on the same side of the street and in the same block; and Provided further, That no building line established by the provisions of this section shall be nearer to the front lot line than any building line that may have been established for the same lot or block in a lawfully recorded plat, deed or covenant. In such cases where two or more houses exist in such a block, and a new house is erected on an interior lot that does not lie between two existing houses, the building line for such new house shall be the average of the distance of the front walls of all existing houses in such block from the front lot line.

(e) **Building Lines on Curving or Angling Streets.** On any one side of a curving or angling street in any single block between two intersecting streets, in which block two or more buildings permitted in U1 or U2 districts exist with the same exclusions as set forth in subdivision (d) of this section, any new residential building erected on any vacant lot in such block shall be placed no nearer to the front lot line than the average distance from such front lot line of all existing buildings located in the same block and not excluded; Provided, That no building line has been established for the same lot or block in a lawfully recorded plat.

11-110. Side yards.—(a) Side Yards Required. For every building erected, altered or used for dwelling house or apartment uses in a U1 or U2 district, there shall be a side yard along each lot line other than a front lot line or a rear lot line.

(b) Interpretation. Each dwelling house and each apartment house shall be deemed a separate building and shall have side yard as above prescribed, except that in an apartment house district any number of dwellings may be built as a continuous structure and be considered as a single building for the purpose of this section.

A building and any accessory building in any way connected thereto, for the purpose of side yard requirements, shall be considered as a single building.

Where a side yard abuts an alley, the yard shall be deemed to extend to the center of such alley, but such center line shall not be deemed to be a lot line.

(c) Side Yard Dimensions. At least 20 percent of the average width of each lot shall be devoted to side yards, except not more than 16 feet need be so devoted. The least dimension of a side yard shall not be less than 4 feet; Provided, That in the case of an apartment house or in the case of any building more than two and one-half stories in height, such least dimension shall not be less than one-sixth of the height of the building.

(d) Side Yard Restrictions. The area requirements in a side yard shall be open from the established grade, or from the natural grade if higher than the established grade, to the sky, unobstructed except for the ordinary projections of window sills, belt courses, and other ornamental features to the extent of not more than 4 inches, except that a cornice or eaves may project not over 2 feet into such yard.

11-111. Rear yards.—(a) Rear Yards Required. Every building erected, altered or used for dwelling house or apartment use in a U1 or U2 district shall have a rear yard.

(b) Rear Yard Dimensions. The least dimension of the rear yard of a dwelling house in a U1 or U2 district shall be at least 15 percent of the average depth of the lot, but such least dimension need not be more than 30 feet. The least dimension of the rear yard of any building other than a dwelling house shall be not less than one-half the height of the building.

(c) Accessory Buildings in Rear Yards. Forty percent of the area of the rear yard may be occupied by a detached one story accessory building, not more than 15 feet in height, except that in the rear of a building housing two or more families the distance between such building and an accessory building must be 25 feet on an interior lot or 15 feet on a corner lot. And Provided, That on a corner lot, the rear line of which is identical with the side line of an interior lot, no such accessory building, if detached from the main building, shall be erected nearer than 20 feet to any street line or nearer than 10 feet to any dwelling house or apartment house.

Only one detached accessory building shall be permitted on any lot in a U1 or U2 district.

(d) Interpretation. A building and any accessory building in any way connected thereto, for the purpose of rear yard requirements, shall be considered as a single building.

Where a rear yard abuts an alley, the yard shall be deemed to extend to the center of such alley, but such center line shall not be deemed to be a lot line.

(e) **Rear Houses—Easement for Access.** Every building or structure used entirely or in part for dwelling house or apartment house residential use in a U1 or U2 district shall have direct access to a public street, and if any permanent dwelling unit is in a building located in the rear of any other building and detached therefrom, with no immediate street frontage, an easement for access shall be provided and recorded over an unoccupied strip of land at least sixteen feet in width, and such reserve strip may not form a part of any lot area required by this ordinance; Provided, That for two or more such detached residential buildings in the rear of any other building or buildings, such easement shall be not less than four feet in width.

11-112. Class U3 uses—Business district.—(a) Permitted Uses. In a class U3 or business district no building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, for other than the following uses:

- (1) Any use permitted in U1 or U2 districts; Provided, That any of the uses enumerated in section 11-105(b) shall not be subject to the conditions set forth in said section 11-105(b) when located in a U3 district.
- (2) Stores and shops for the conducting of any retail business not specifically enumerated hereinafter. Banks, offices and hotels.
- (3) Restaurants, tearooms, cafes and other places serving food or beverages.
- (4) Theatres, motion picture shows, radio or television shows or broadcasting studios; billiard or pool parlors, bowling alleys, dancehalls, skating rinks, shuffleboard or table tennis establishments, boxing or wrestling arenas, or similar recreational or amusement enterprises or places of public assembly operated for profit or the promotion of commercial interests; automobile sales and service business, excluding repair or painting of motor vehicle bodies, and any other operations causing offensive or noxious odors or noises; and Provided further, That each of the enumerated uses in this subdivision is contained within a completely enclosed building.
- (5) Kindergartens, schools, colleges, and dance or music studios operated for private gain.
- (6) Personal service establishment such as barber shops, beauty parlors, bath and massage parlors, shoeshine shops, pressing shops, places for pickup and delivery only of articles for dry cleaning, shops for cleaning and blocking of hats, hand laundries, self-serve automatic laundering machine services, and shops for repair of such articles as clocks, typewriters, adding machines, watches, jewelry, radio and television sets, bicycles, shoes, and household appliances. Dental laboratories. Caterers, blue printing service and photographers.
- (7) Telegraph, telephone or express offices.
- (8) Shops for custom work, similar to dressmaking, tailoring, upholstering and bootmaking, small bakeries and confectionaries; subject to the conditions that for all such uses all work shall be done on the premises and not more than five persons shall be employed in a productive capacity in any such shops at any

one time; and all goods or articles produced shall be sold at retail on the premises; and any such operations shall not cause any objectionable or obnoxious noises or odors.

- (9) Undertaking or embalming establishments, mortuaries or funeral parlors.
- (10) Commercial parking lot for temporary storage of motor vehicles or trailers of any type; Provided That such vehicles or trailers are not displayed for sale, nor stored to await sale, wrecking, or parts salvage, nor occupied or otherwise used on the premises. Buildings or premises used only for washing, cleaning or polishing motor vehicles; Provided, That no offensive noise or odors are created thereby.
- (11) Wholesale sales office or display room with accessory storage or warehouse space not exceeding seventy-five percent of the total number of square feet of gross floor area of combined sales or display space and storage or warehouse space used in the same building and by the same firm or enterprise.
- (12) Buildings, structures or yards for the storage of street cars, trolley busses or motor busses. Motor bus passenger station. Electric substation.
- (13) Advertising sign, display, billboard, poster panel or advertising structure, subject, however, to the following regulations and provisions:

(a) If the lot on which such sign, display, billboard, poster panel, or advertising structure is to be located, is immediately adjacent to a lot classified in a U1 or U2 district, then a distance of at least four feet shall intervene between the closest part of such object and the adjacent lot line of property in U1 or U2 districts.

(b) If any sign, display, billboard, poster panel, or advertising structure will be so located that the major part of such object will face, in a direct manner, structures in a U1 or U2 district, then the illumination of such object shall be so limited that there will not be any obnoxious or offensive glare to the occupants of said properties in said U1 or U2 district; and in no event shall a sign, display, billboard or advertising structure having flashing or intermittent lights be permitted where the major part of such object faces, in a direct manner, structures in a U1 or U2 district.

(c) Any billboard, or poster panel erected on the ground in a U3 district on an interior lot directly abutting the side of a lot in a U1 or U2 district, or on corner lot directly abutting the side or end of a lot in a U1 or U2 district, shall be so placed that no part of such billboard, or poster panel is nearer to the front lot line (or side street line in the case of a corner lot) than the front wall of any existing dwelling house or apartment house on such abutting lot in a U1 or U2 district (or the side wall thereof where such lot abuts the end of a corner lot that is in a U3 district).

No part of any billboard, poster panel, advertising display or advertising structure not on top of or suspended from a

building shall exceed twenty-four feet in height above the established grade.

(d) Only one unattached sign, display, billboard, poster panel, or unattached advertising structure shall be permitted on a lot having a frontage of thirty feet or less and on a lot having a frontage of more than thirty feet one additional unattached sign, display or structure shall be permitted for each thirty feet of additional frontage or fraction thereof, if such fraction is not less than ten feet.

(b) U3 Uses Subject to Specified Requirements. In a class U3 or business district, a building or structure or part thereof may, however, be erected, altered or used, or premises used in whole or in part, which is arranged, intended or designed for any of the following enumerated uses when on a lot determined by the board of zoning appeals, after public notice and hearing, to be so located that such building, structure or use will, in the judgment of said board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of the neighboring property to-wit:

- (1) Oil and gasoline filling station. Automobile tire and battery service station. Garage for storage or repair of motor vehicles or automobile repair shop, when not on the same premises with and accessory to a use permitted under sub-section (a) of this section. Automobile service stations at which other than minor emergency repair or adjustment work is done. Shops for repair of lawnmowers or outboard motors.
- (2) Ice delivery stations or ice vending machines. Premises used for sale or display only of cemetery markers, tombstones, headstones, monuments, statuary, or other ornamental stone work, or for display of portable buildings or other structures for sale.
- (3) Pet shop or store where live animals, birds, fish, reptiles, or insects are kept and displayed for sale as a principal enterprise. Premises, buildings or structures used for housing, storage, lodging, boarding, propagating, or killing and dressing of live poultry, or small animals of any kind, as a principal commercial enterprise.
- (4) Open air theatres, including open air moving picture shows and commercial radio or television shows in the open. Any commercial open air amusement or recreational enterprise, including amusement parks, roller skating rinks, miniature golf courses, outdoor shuffleboard courts or bowling alleys, race-track for animals or motor vehicles, and baseball, football, or athletic fields or stadia.
- (5) Open air lot or sales lot for display or sale of motor vehicles or trailers of any kind, or of boats or canoes.
- (6) Premises, buildings or structures commonly known as "drive-in" or "curb-service" establishments, where food, beverages, ice cream, or other refreshments are served to customers in parked cars for consumption at the place of service.
- (7) Any stand, structure, portable unit, or vehicle placed upon a lot, or any open area, which is used temporarily for the sale or display of merchandise of any kind, or used as an amusement enterprise, for a term of more than thirty days.

(c) **Off-street Parking Required.** Within the City of Indianapolis, with the exception of the area commonly known as the mile square, which is included within the boundary lines formed by the center lines of North Street, East Street, South Street, and West Street, no buildings shall be erected for commercial or business purposes, or for public or private assembly purposes, or any other use specified in this section, unless off-street parking facilities as defined in section 11-102(22) are provided for the storage or parking of motor vehicles or automobiles in accordance with the following requirements:

- (1) For every business, commercial or office building or structure there shall be provided and maintained at least one parking space for the storage or parking of one automobile or motor vehicle for every five hundred square feet of gross floor area in said building or structure.
- (2) For every building, structure, or part thereof, or premises used as a theatre, auditorium or similar place of assembly which is provided with seating facilities for an audience or congregation of people, there shall be provided and maintained at least one space for the storage or parking of one automobile or motor vehicle for each ten seats or similar vantage accommodations provided in such building, structure, or parts thereof, or premises; Provided, That for a mortuary or funeral home containing chapels or layout rooms at least one space for the storage or parking of one automobile or motor vehicle shall be provided and maintained for each one hundred square feet of gross floor area or fraction thereof in said mortuary or funeral home.
- (3) For hotels, there shall be provided and maintained at least one parking space for the storage or parking of one automobile or motor vehicle for each of the first twenty individual guest rooms or suites; one additional parking space for every four guest rooms or suites in excess of twenty, but not exceeding forty guest rooms, and one additional parking space for every six guest rooms or suites in excess of forty guest rooms or suites provided in said buildings.
- (4) All open air off-street parking area shall comply with the provisions of section 11-106, sub-sections (b) and (c).

(d) **Off-street Loading Space Required.** No buildings or structures shall be erected for storage, warehouse, goods display, department store, wholesale store, market, hotel, mortuary, or other business uses enumerated in this section involving the receipt or distribution by vehicles of materials, or merchandise, unless there is provision made for adequate space on the same premises and lot on which the said proposed building, structure, or part thereof, is located, for standing, loading, and unloading services, in order to avoid undue interference with public use of the streets or alleys. Such off-street loading spaces shall conform with the definition thereof in section 11-102(21).

At least one such space shall be provided for each building or structure erected for any of the purposes herein specified, for the first 20,000 square feet of gross floor area or fraction thereof; and at least two spaces for each such building or structure having more than 20,000 square feet, but not more than 60,000 square feet of gross floor

area; at least three spaces for each such building or structure having more than 60,000 square feet, but not more than 100,000 square feet of gross floor area; at least four spaces for each building or structure having more than 100,000 square feet of gross floor area; Provided, That any gross floor area used for office purposes only shall not be counted in the gross floor area of such building or structure if such office space is in excess of the first 20,000 square feet of such building or structure where the total gross floor area exceeds 20,000 square feet.

11-113. **Front, side, and rear yards in U3 districts.**—(a) **Front Yard Restrictions.** In a U3 or business district, between a front yard or building line as herein established and the front lot line, no building or structure or portion thereof may be erected, except an advertising display sign may be attached to the building only, and may project into the front yard a distance of not to exceed seven feet.

(b) **Front Yards in Unimproved Blocks.** On any one side of a street in a single block between two intersecting streets, in which block and on which side no building or structure exists, and no building line is shown on a plat approved by the city plan commission and on record in the office of the county recorder, the first building or structure to be erected shall be placed at a building line a distance from the front lot line equal to 10 percent of the depth of the lot; Provided, That such distance need not be more than fifteen feet.

(c) **Front Yards in Improved Blocks.** On any one side of a street in a single block between two intersecting streets, in which block and on which side one or more buildings or structures exist, exclusive of signs or signboards, and no building line is shown in a plat approved by the city plan commission and on record in the office of the county recorder, building lines shall be established as follows:

- (1) In such cases where there are buildings set at the front lot line, and the total front width of such buildings equals 50 percent or more of the total length of the block between the property lines of two intersecting streets, any new building or structure including a detached sign in such block, may be set at the front lot line.
- (2) In such cases where there are no buildings set at the front lot line, or where there are buildings set at such line and the total front width of all such buildings in the same block and on the same side of the street is less than 50 percent of the total length of such block, the building line shall be computed as the average of all buildings or structures in such block, exclusive of signs or signboards, but such building line need not be more than fifteen feet from the front lot line. In computing such average building line, unenclosed front porches attached to any existing houses in such block shall be disregarded and the distance between the front lot line and the nearest front wall of each house shall be used in such computation.

(d) **Side and Rear Yards for Dwelling Units in U3 Districts.** In a U3 district, any structure arranged, designed or intended to be used as a dwelling house or apartment house shall be so located on the lot as to conform with the same side and rear yard regulations as are provided for U1 and U2 districts in sections 11-110 and 11-111 of this

chapter; Provided, That dwelling or apartment units which are attached to or are a part of a business building need not conform with such regulations.

(e) Side and Rear Yards for Business Structures in U3 Districts. In a U3 district, no side or rear yard need be provided for a building or structure arranged, designed or intended to be used entirely or principally for any of the business uses enumerated in this section, except that when such a building or structure is located on a lot directly abutting on the side line of a lot located in a U1 or U2 district, a minimum side yard of 4 feet shall be provided and maintained along such side line on the lot on which such building or structure is located, and such side yard shall be subject to the same restrictions as are provided in section 11-110 for side yards in U1 and U2 districts.

11-114. Class U4 uses—First industrial district.—(a) Permitted Uses. In a class U4 or first industrial district, no building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, which is arranged, intended or designed for other than the following uses:

- (1) Any use permitted in U3 districts; Provided, however, That uses enumerated in subdivision (13) of sub-section (a) of section 11-112 shall likewise in a U4 district be subject to the regulations and provisions as provided in said sub-section (a); and that the uses enumerated in subdivisions (5), (6) and (7) of sub-section (b) of section 11-112 shall likewise in a U4 district be subject to the specific requirement of approval by the board of zoning appeals, after public notice as provided in said sub-section (b). None of the uses permitted in a U1 or U2 district shall be permitted in a U4 district.
- (2) Engraving, job printing, newspaper printing and greenhouse.
- (3) Storage yards or warehouses for such materials or goods as building materials, contractor's equipment, lumber, solid fuels, machinery, metals, oils and petroleum in quantities less than tank car lots and not exceeding twelve thousand gallons, paint and paint materials, compressed or liquefied petroleum or other flammable gases, pipe, rubber and shop supplies; Provided, That such storage yards shall be enclosed by a substantial protective fence not less than five feet high.
- (4) Light manufacturing or industrial operation involving either partial or complete processing or production of such products or articles as bakery products, beverages, canned goods, carpentry work, cleaning agents, clothing, concrete blocks and ready-mixed concrete, chemical laboratory products, confections, cutlery and small tools, disinfectants, drugs and medicines, electrical supplies and batteries, food products, hardware, ice, ice cream and dairy products, leather goods, metal heat treating work, light metal stamping or pressing, linoleum and oil cloth, machine shop work, small mechanical devices, monuments, musical instruments, mill work and planed or sawed lumber, paint, enamel, lacquer or varnish, paper and cardboard products including boxes, plastics, plating work, radio and television sets, shoe polish, and tobacco products; Provided, That such operation shall not be noxious or offensive

by reason of the emission of odor, dust, smoke, gas or noise, or by reason of vibration resulting from operation of machinery.

- (5) Carpet and rug cleaning, dry cleaning plant and laundry plant.
- (6) Cold storage plant, grain elevator or storage bin, blacksmith, horseshoeing or wagon shop, stable or wagon-shed for business or industrial operations, veterinary hospital and wholesale produce salesroom or market.
- (7) Street car or trolley bus repair shop, railroad, air line or motor truck freight station or terminal and railroad yards.

(b) Off-street Parking Required. Within the City of Indianapolis, with the exception of the area commonly known as the Mile Square, which is included within the boundary lines formed by the center lines of North Street, East Street, South Street, and West Street, no buildings or structures shall be erected which are arranged, designed or intended to be used for any of the industrial uses enumerated in this section, unless off-street parking spaces are provided for the storage or parking of motor vehicles or automobiles in accordance with the definition of such spaces as set forth in section 11-102(22) of this chapter, and in accordance with the provisions of section 11-106, subsections (b) and (c).

For all such buildings or structures there shall be provided at least one such parking space for every five persons who can be employed in such buildings or structures at any time when the same are in use at maximum capacity of employee occupancy.

(c) Off-street Loading Spaces Required. No buildings or structures shall be erected which are arranged, designed or intended to be used for any of the industrial uses enumerated in this section, unless there is provision made for adequate space on the same premises and lot on which said building or structure is located, for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys. Such off-street loading spaces shall conform with the definition thereof in section 11-101(21).

At least one off-street loading space shall be provided for the first 20,000 square feet of floor area or fraction thereof contained in such building or structure; and at least two such spaces shall be provided for each such building or structure having more than 20,000 square feet, but not more than 60,000 square feet of gross floor area; at least three spaces for each such building or structure having more than 60,000, but not more than 100,000 square feet of gross floor area; and at least four spaces for each such building or structure having more than 100,000 square feet of gross floor area.

In such cases where industrial uses involve extensive ground area of premises, supplemental to or in lieu of floor space in buildings or structures for operations or storage, loading spaces shall be provided in accordance with the same progression of square foot area factors as are above specified for various gross floor areas of buildings or structures.

(d) Front, Side and Rear Yards in U4 Districts. In a U4 or first industrial district no front yards, side yards or rear yards shall be required; Provided, That such setbacks or spacing between buildings as may be required by the city building code (title 8 of this Municipal Code) shall be complied with.

11-115. Class U5 uses—Second industrial district.—(a) Permitted Uses. In a class U5 or second industrial district, no building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, which is arranged, intended or designed for other than the following permitted uses:

- (1) Any use permitted in U3 or U4 districts; Provided, That none of the uses permitted in a U1 or U2 district shall be permitted in a U5 district.
- (2) Heavy-manufacturing plants, such as airplane factories, vehicle body plants, boiler works, drop forging plants, foundries, furniture factories, gun, firearms or weapons plant, heavy metal stamping or pressing plants, locomotive, or railway car plants, motor or engine works, railroad roundhouse or shop, reducing or refining of such metals as aluminum, copper, tin, or zinc, tire or rubber factories, steel furnace, blooming or rolling mill or power forge, structural iron and steel or pipe works, textiles or fabrics, wire mills.
- (3) Central station light, steam heating or power plant.
- (4) Paper or pulp manufacture; plaster manufacture; ammonia, bleaching powder or other chemical plants generating corrosive or toxic fumes, provided such fumes do not carry beyond the limits of the premises, and Provided, That such uses are not included in class U6 prohibited uses; asphalt manufacturing, mixing or refining; coal distillation, including manufacture or derivation of by-products; coke ovens; creosote manufacture or treatment; gas manufacture from coal or petroleum or the storage thereof, except storage of liquefied gases in cylinders for individual distribution; carbon or lamp black manufacture; petroleum storage, in quantities greater than tank car lots; tar distillation; soap manufacture; Provided, That buildings or tanks used for bulk storage of inflammable liquids or gases, or of materials, liquids or gases that give off corrosive or toxic fumes, shall not be located nearer than five hundred feet in a straight line from any other buildings or structures included in subdivision (2) and (4), section 11-105(b), and shall otherwise conform with the officially published standards of the National Board of Fire Underwriters as at the date of erection of such buildings or tanks.

(b) U5 Uses Subject to Specified Requirements. The following enumerated uses shall be permitted in whole or in part in a U5 or second industrial district and on a lot determined by the board of zoning appeals, after public notice and hearing, to be so located that such use will, in the judgment of said board, substantially serve the public convenience and welfare, and will not substantially or permanently injure the appropriate use of neighboring property:

- (1) Storage or baling in the open or within buildings of scrap iron, junk, scrap paper, rags, discarded bottles, used lumber and other salvageable used materials or articles.
- (2) Open air wrecking of motor driven or trailer vehicles and open air storage and sale of secondhand automobile parts or tires.
- (3) Open air storage of motor driven vehicles or trailers that have been wrecked or dismantled in whole or in part or are not in good, serviceable condition.

(c) Off-street Parking Required. The provisions of section 11-114 (b) shall apply also to all buildings or structures to be erected which are arranged, designed or intended to be used for any of the industrial uses enumerated in this section, with respect to providing off-street parking spaces.

(d) Off-street Loading Space. The provisions of section 11-114(c) shall apply also to all buildings or structures to be erected which are arranged, designed or intended to be used for any of the industrial uses enumerated in this section, with respect to providing off-street loading space.

(e) Front, Side and Rear Yards in U5 Districts. In a U5 or second industrial district no front yards, side yards or rear yards shall be required; Provided, That such setbacks or spacing between buildings as may be required by the city building code (title 8 in this Municipal Code) shall be complied with.

11-116. Class U6 uses — Prohibited uses. — (a) Prohibited Uses — Continuance. Within the corporation limits of the City of Indianapolis, no building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, which is arranged, intended or designed for any of the following prohibited uses:

- (1) Petroleum refining, including reclamation of used oils or lubricants.
- (2) Cement, lime, gypsum or plaster of Paris manufacture.
- (3) Chlorine, or hydrochloric, nitric, picric or sulphuric acid manufacture, smelting of copper, tin, zinc, or iron ore.
- (4) Explosives, manufacture or storage.
- (5) Stockyards, slaughterhouse and abattoir, fat rendering.
- (6) Distillation of bones, glue manufacture, fertilizer manufacture, hair manufacture, offal or dead animals reduction or dumping and raw hides or skins storage, curing or tanning.
- (7) Housing, breeding or raising mink, or other fur-bearing animals, for production of fur pelts of skins.

Provided, That any of the uses enumerated in the foregoing seven subdivisions, if established on defined premises within the corporation limits prior to December 20, 1922, or on defined premises included in an area annexed to the city subsequent to that date and existing at the time of such annexation, shall be permitted to continue as non-conforming uses.

11-117. Class U7 uses—Special permit.—(a) Special Permit Required—Types of Use. No building or structure or part thereof shall be erected, altered or used, or premises used in whole or in part, which is arranged, designed or intended for any of the following uses, which by reason of their nature or the extensive area usually required for such uses are deemed impractical to include in classes U1, U2, U3, U4, or U5 in designated districts on the district zoning maps, unless a special permit therefor is granted by the board of zoning appeals after due public notice and hearing, with such conditions or restrictions as may be deemed necessary to adequately safeguard the appropriate use of neighboring property:

- (1) Airport or airplane landing field.

- (2) Cemetery.
- (3) Sewage disposal or treatment plant and refuse dump. Garbage disposal plant, incinerator plant and gravel pit.
- (b) Portable Living Quarters.
 - (1) Within the City of Indianapolis, no portable living quarters such as an automobile trailer, trailer coach, house trailer, house car, camp car, tent or houseboat, designed, constructed, fabricated or intended to be used as a readily transportable unit, shall be occupied in whole or in part for living quarters or other purposes on any lot, plot, parcel or tract of land, or on any stream or other water area in case of a houseboat, unless a special permit therefor is granted by the board of zoning appeals after due public notice and hearing, with such conditions or restrictions as may be deemed necessary to safeguard adequately the appropriate use of neighboring property.
 - (2) Such special permits shall be limited to only one such occupied portable living unit on any one lot, plot or tract of land, and shall also be limited to a period of ninety days.
 - (3) The board of zoning appeals, upon written request may, in its discretion, extend such permits, only for the original occupants, for successive ninety day periods; Provided, That not more than one year of continuing occupancy shall be allowed by such permit and any extensions thereof, and no new permit for such occupation on the same premises shall be granted in less than one year from the last day of such maximum one year period.
 - (4) For the purpose of this sub-section, any lot, plot, or tract of land on which are located two or more automobile trailers, trailer coaches, house trailers, house cars or camp cars shall be deemed to be a "trailer camp" or "trailer park," and shall be subject to all provisions of this code applicable thereto, including those restated and reordained in chapter 9 of title 6 of this code.
 - (5) Parking or storage of one unoccupied automobile trailer, trailer coach, house trailer, house car or camp car in a private garage or in a rear yard only shall be permitted.

11-118. Area districts.—(a) **Class AA District.** In a class AA district no building shall be erected, altered or used to accommodate or make provision for more than one family for each 15,000 square feet of the area of the lot; Provided, That one single family dwelling may be erected on any lot that was separately owned as of December 20, 1922, or on any numbered lot in a recorded plat or replat that is on record in the office of the county recorder.

(b) **Class A1 District.** In a class A1 district no building shall be erected, altered or used to accommodate or make provision for more than one family for each 7,500 square feet of the area of the lot; Provided, That one single family dwelling may be erected on any lot that was separately owned as of December 20, 1922, or on any numbered lot in a recorded plat or replat that is on record in the office of the county recorder.

(c) **Class A2 District.** In a class A2 district no building shall be erected, altered or used to accommodate or make provision for more than one family for each 4,800 square feet of the area of the lot; Pro-

vided, That one single family dwelling may be erected on any lot that was separately owned as of December 20, 1922, or on any numbered lot in a recorded plat or replat that is on record in the office of the county recorder.

(d) Class A3 District. In a class A3 district no building shall be erected, altered or used to accommodate or make provision for more than one family for each 2,400 square feet of the area of the lot, if an interior lot, or for each 2,000 square feet if a corner lot; Provided, That one dwelling for two families may be erected or used on any lot that was separately owned as of December 20, 1922, or on any numbered lot in a recorded plat or replat that is on record in the office of the county recorder.

(e) Class A4 District. In a class A4 district no building shall be erected, altered or used to accommodate or make provision for more than one family for each 1,200 square feet of the area of the lot if an interior lot, or for each 1,000 square feet if a corner lot.

(f) Class A5 District. In a class A5 district no building shall be erected, altered or used to accommodate or make provision for more than one family for each 600 square feet of the area of the lot if an interior lot, or for each 500 square feet if a corner lot.

(g) Class A6 District. In a class A6 district no building shall be erected, altered or used to accommodate or make provision for more than one family for each 300 square feet of the area of the lot.

(h) Computation of Lot Areas. In computing such area of the lot for the purpose of this section any part of the area of any corner lot in excess of 15,000 square feet shall be considered an interior lot. In a class AA, A1, A2, A3, or A4 district, in computing the area of a lot for the purpose of this section, if the depth of the lot is more than three times the width of such lot, a depth of only three times such width shall be used.

In computing the area of the lot for the purpose of this section the lot shall be deemed to extend to the center line of any alley adjoining the rear line of such lot, but such center line shall not be deemed to be a lot line.

(i) Restrictions on Reduction of Lot Areas. The lot or yard area required by this chapter for a particular building shall not be diminished and shall not be included as part of the required lot or yard area of any other building; and the lot or yard areas of buildings existing as of December 20, 1922, or as of the effective date of any amendment to General Ordinance No. 114, 1922 (as amended), relating to lot or yard areas, shall not be diminished below the requirements herein provided for buildings thereafter erected, and such required areas shall not be included as a part of the required areas for any building thereafter erected.

11-119. Height districts.—(a) Class H1 District. In a class H1 district no building shall be erected to a height in excess of 50 feet; Providing, That back of the street or lot lines any portion of a building may be erected to a height in excess of 50 feet, if such portion of such building is set back from all street and lot lines 1 foot for each 2 feet of such additional height; and Provided further, That in a dwelling house or apartment house district such setback shall be from

all required front, side and rear yard lines instead of from street and lot lines.

(b) Class H2 District. In a class H2 district no building shall be erected to a height in excess of 80 feet; Provided, That back of the street or lot lines any portion of a building may be erected to a height in excess of 108 feet, if that/such portion of such building is set back from all street and lot lines 1 foot for each 2 feet of such additional height; and Provided further, That in a dwelling house or apartment house district such setback shall be from all required front, side and rear yard lines instead of from street and lot lines.

(c) Class H3 District. In a class H3 district no building shall be erected to a height in excess of 108 feet; Provided, That back of the street or lot lines any portion of a building may be erected to a height in excess of 108 feet, if that such portion of such building is set back from all street and lot lines 1 foot for each 3 feet of such additional height; and Provided further, That in a dwelling house or apartment house district such setback shall be from all required front, side and rear yard lines instead of from street and lot lines; and Provided further, That if such building adjoins along its rear line an area within a class H4 district, any portion of such building erected back of the street line may be erected to a height of 150 feet, if such portion of such building is set back from the line of the street on which such building fronts 1 foot for each 3 feet of such height in excess of 108 feet.

(d) Class H4 District. In a class H4 district no building shall be erected to a height in excess of 180 feet; Provided, That back of the street or lot line any portion of a building may be erected to a height in excess of 180 feet, if such portion of such building is set back from all street and lot lines 1 foot for each 3 feet of such additional height; and Provided, That when a building fronts on a street 100 feet or more in width, the height limit shall be 200 feet instead of 180 feet as above provided. In the case of a corner building such greater height may extend back not to exceed 200 feet along a narrower street.

(e) Type of Structures Exempted from Height Restrictions. The provisions of this section shall not apply to restrict the height of a church spire, flagpole, belfry, clock tower, wireless tower, beacon tower, chimney, water tank, elevator bulkhead, or stage tower or scenery loft.

11-120. Non-conforming uses.—(a) Definition—Continuance. Any building, structure, or land use in conformity to or permitted by virtue of the original zoning ordinance, being General Ordinance No. 114, 1922, as amended, and in existence at the time the later ordinance, restated in this chapter, became effective, but which building, structure, or land use is not in conformity to the provisions thereof, or of this chapter, shall be deemed to be a non-conforming use and may continue in the absence of a voluntary abandonment thereof, subject, however, to the provisions of sub-section (b) hereof.

(b) Regulations Governing Non-conforming Uses. The following regulations shall govern lawful non-conforming uses:

- (1) Unsafe structure. Any building or structure or portion thereof declared unsafe by the commissioner of buildings may be restored to a safe condition.

- (2) Alterations. A non-conforming building or structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty percent of the assessed taxable value thereof, unless said building or structure is changed to a conforming use.
 - (3) Extension. A non-conforming use shall not be extended, except that the extension of a lawful non-conforming use to any portion of a non-conforming building which existed prior to December 20, 1922, or prior to the effective date of any amendment to General Ordinance No. 114, 1922, as herein codified, by reason of which such building became non-conforming, shall not be deemed to be an extension of such non-conforming use.
 - (4) Construction approved prior to ordinance or amendment. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a lawful building permit was issued prior to the effective date of this chapter and the construction of which shall have been completed within two years of the effective date of this chapter and in accordance with such plans as filed with the commissioner of buildings; Provided, That same are in conformity to General Ordinance 114, 1922, as amended and herein codified. If such construction or designated use is not in conformity to the provisions of this chapter then the same shall be deemed to be a non-conforming use.
 - (5) Damaged non-conforming buildings. When a building or structure devoted legally to a non-conforming use is entirely destroyed or is damaged to the extent of more than 50 percent of its appraised replacement cost by fire, explosion, act of God or act of the public enemy, such building or structure shall not be permitted to be repaired, restored or rebuilt unless it shall be devoted to a conforming use. If such building or structure be so damaged to the extent of less than 50 percent of its appraised replacement cost, it may be repaired, restored or rebuilt to its original form, size and arrangement and the original non-conforming use may be continued thereafter; Provided, That such repair, restoration or rebuilding shall be completed within two years after the date such damage occurred.
 - (6) Changes. Once changed to a conforming use no building or structure or premises shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to a use of the same or higher classification, and when so changed, such use shall not be changed to a lower classification; Provided, That in a U5 or second industrial district, no building or structure or premises shall be changed to a U1 or U2 use.
- (c) Changes—Interpretation. For the purpose of this chapter a use shall be deemed to be changed if changed from a use class or subdivision thereof to a use not included in such class or subdivision; and a non-conforming use shall be deemed to be changed to a higher use if the new use is included in a different class or in a different subdivision that precedes, in the classifications of this chapter, the class or subdivision in which such non-conforming use is included, prior to such change.
- (d) Restricted Changes. In such classes where a use is included either in section 11-105 (b), section 11-107 (b), section 11-112 (b),

section 11-115 (b) or section 11-117 (a), no use lawfully permitted under the provisions thereof shall be changed to another use included therein unless permitted by the board of zoning appeals after public notice and hearing, subject to appropriate conditions and safeguards.

11-121. Interpretation policy.—(a) In interpreting the provisions of this chapter, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

(b) **Limitation of Authority of Zoning Ordinance.** This chapter restates and codifies, but shall not repeal, abrogate nor annul or in any way impair or interfere with any existing provisions of law or other provisions of this code, or any rules or regulations previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor shall this chapter interfere with or abrogate or annul any easements, covenants, or other arrangements between parties; Provided, That where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger lots or yards than are imposed or required by such existing provision of law or of other provisions of this code, or by such rules or regulations, or by such easements, covenants or agreements, the provisions of this chapter shall control.

11-122. Board of zoning appeals and enforcement.—(a) The city plan commission is hereby constituted and continued, without any lapse, (as so provided by section 22 of General Ordinance No. 114, 1922, which section was reordained by the same section of General Ordinance No. 104, 1950, herein restated and reordained, as amended), as the board of zoning appeals of this city, with all powers conferred thereon pursuant to law and by this chapter. Such commission and board, in addition to the continuance of any existing rules and regulations, adopted by either thereof, may from time to time amend, change and supplement the same, as needed to administer all statutes and this chapter, or any later ordinances, relating to their respective powers and duties.

(b) Such plan commission and board, within their respective jurisdiction, are charged with the enforcement of all provisions of the statutes and of all provisions of this chapter and code applicable to their duties; and for such purpose, this chapter and the provisions thereof shall be enforced by the secretary of said commission and board, under their rules and regulations.

(c) Such secretary, in the performance of his duties as provided in sub-section (b) hereof, or in any other instances, is empowered to call upon any employee of said commission and board, the city building commissioner, the police and firemen and other city officials, to act for and aid him in any inspections and also in the enforcement of any phases of his duties aforesaid, which also involve their respective duties and powers as officials of this city. Those so acting shall report their acts and recommendations thereon to said secretary, and he shall thereupon make and enter on his records such decision and order therein as he determines the facts so disclosed and the law applicable thereto requires. No building permit shall be issued contrary to any such order of said secretary, unless authorized by said board, after a hearing thereon, as herein provided.

(d) Any decision and order of said secretary, so made and entered, may be appealed to the board of zoning appeals by any person or persons claiming to be adversely affected thereby, for a hearing thereon, as authorized by the statutes and by this chapter, or by any other ordinance.

11-123. Authority and procedure of board of zoning appeals to determine variances and exceptions and grant permissions.—(a) Authority of the Board. The board of zoning appeals shall have the power and authority in specific cases, after due public notice and hearing and subject to such conditions and safeguards as the board may prescribe, to protect the appropriate use of neighboring property and to serve the public convenience and welfare, as follows:

- (1) To vary any provisions of this chapter in harmony with its general purpose and intent so that the public health, safety and general welfare may be secured and substantial justice done, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter.
- (2) To permit the extension of a building or use into a more restricted district immediately adjacent thereto, but not more than fifty feet beyond the boundary line of the district in which such building or use is authorized.
- (3) To permit the extension of a non-conforming use or building upon the lot occupied by such use or building at the time it came into non-conforming status by reason of the provisions of this chapter.
- (4) To permit in a district any use or building deemed by the board to be in general keeping with and appropriate to the uses or buildings authorized in such district or existing in neighboring property, such as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.
- (5) To grant in undeveloped sections of the city temporary and conditional permits for not more than two year periods for buildings, structures or uses that do not conform to the regulations herein prescribed for the district in which they are to be located.
- (6) To permit the location in any use district of a telephone exchange, electric substation or similar public utility, or any use of a building for public convenience, safety, or welfare, or of a class U7 use.
- (7) To permit the erection of a two story accessory building covering not to exceed forty percent of the rear yard area.
- (8) In U1 or U2 districts, in cases where a one story, unenclosed front porch extends beyond a building line established by the provisions of this chapter, exclusive of a building line established in a lawfully recorded plat, permit the enclosure of such porch, if such enclosure serves to protect the health and welfare of the occupants of the building and does not impair the

value and the appropriate use of closely neighboring property, and said board may also permit a two story unenclosed porch or the enclosure of such a porch under the same considerations; Provided, That the installation only of open screens of fine woven wire, plastic or similar durable material shall not be deemed to be enclosure for the purpose of this section.

- (9) In such cases in U1 or U2 districts where the building line established by the provisions of this chapter appears to create unnecessary hardship or practical difficulties in the way of conforming with such building line, to permit the erection of a building nearer to the front lot line; Provided, That such location will not be nearer to the front lot line than any building line established by recorded plat, deed or covenant on the lot on which such building is located, will not be adverse to the public interest and will not substantially injure the appropriate use of neighboring property.
- (10) To permit the extension of any use enumerated in subdivision (5) only of class U6 uses, if located in a U5 or second industrial district and establish as such a non-conforming use.
- (11) To permit in U1 or U2 districts any of the uses enumerated in section 11-105 sub-section (b).
- (12) To permit in U3 districts any of the uses enumerated in section 11-112, sub-section (b).
- (13) To permit in U5 districts any of the uses enumerated in section 11-115, sub-section (b).
- (14) To permit the erection of a building or portion of a building, covering not more than 25 percent of the area of a lot, to a height in excess of the limits prescribed in the preceding section.
- (15) To permit the erection of an addition to an existing building to the same height as such existing building where such addition is essential to the completion of the existing building as originally planned.
- (16) To permit the extension of a building existing at the time of the passage of this chapter, as here restated, by the construction of additional stories above the height limit herein provided; Provided, That such building was actually designed and constructed to carry such additional stories.
- (17) To permit in a first or second industrial district the erection of a grain elevator, gas holder or other industrial building to a height in excess of the limitations prescribed in the preceding section; Provided, That in the judgment of the said board such additional height is essential to the normal operation of such industry.

(b) Public Notice. For the purposes of this chapter, public notice of a hearing by the board of zoning appeals shall be taken to mean one insertion of a notice of the time and place of a hearing or proceeding printed in a newspaper of general circulation in the City of Indianapolis at least seven days prior to the time fixed for said hearing.

(c) Additional Notices to Interested Parties. In addition to the public notice above defined, due notice of a hearing by the board of

zoning appeals shall be given additionally to interested parties in accordance with regulations adopted by said board.

(d) **Fee for Filing Appeal.** Any person, firm or corporation filing an appeal from any ruling of the secretary of said plan commission and board upon any application for a variance, as herein provided for, shall first pay to the city controller a filing fee of three dollars and fifty cents for the purpose of paying the cost of giving notice and any other expense incident to the hearing on said appeal or application. The amount of such fee may be increased by the board to cover the actual cost of such notices and expenses.

11-124. Amendments of zoning districts and regulations.—The common council may from time to time, on petition, after public notice and hearing, amend, supplement, or change the districts and regulations herein established. Duly signed petitions requesting such amendments, supplements, or changes may be presented to the clerk of the common council for action thereon by the common council, as provided by law.

11-125. Changes of use, or class of usage, without authority—Penalty.—(1) No contractor, or other person, shall operate in altering or improving or extending the use or capacity of any building or structure, or changing the class or type thereof, as fixed under the zoning regulations, without a building permit authorizing the same when required, and if necessary also procuring a variance or exception or permission therefor pursuant to the provisions of this chapter.

(2) Any contractor, or other person, so doing, as aforesaid, without a building permit, or without obtaining a variance or permission or exception, expressly authorizing such extended usages, or changed class or type of usage, whenever so required, shall be chargeable with a violation of the provisions of this chapter and code and, upon conviction, may be fined in any sum provided in the general penalty section of this chapter.

11-126. Signs sold, or used, without authority—Penalty.—(1) No salesman of signs shall sell, or otherwise supply or deliver, or any person permit to be used, for and on any premises, any sign, unless and until the owner or person in control of such premises obtains and displays a sign inspection permit issued by the city controller, on the approval of the building commissioner, and also obtains an order of variance or exception from the zoning regulations, if such variance or exception is required for any such sign and business usage. In granting any such variance or exception the board of zoning appeals, in its discretion, may also include such conditions regarding the size, type and location of any signs erected at any time upon such premises as conforms to the city building code, (being title 8 of this Municipal Code), and as it finds will otherwise conserve the public welfare.

(2) Any person or salesman selling, or supplying, or delivering, or any person using a sign, contrary to the provisions of this section, shall be chargeable with a violation thereof and may be fined, on conviction, as provided in the general penalty section of this chapter.

11-127. General penalty for violations of this chapter.—(1) Whoever shall make any use of any property, or area, contrary to the requirements of this chapter and code, or of any order of said board of zoning appeals, or whoever shall violate any of the provisions of this

chapter; or whoever shall receive any order from the building commissioner, or from the executive secretary of the board of zoning appeals, or from the city plan commission, in any matter relating to the enforcement of the statute and this chapter and code thereon and who remains in violation of the same, shall be chargeable with an offense against the provisions of this chapter and code; and also, any building, or structure, erected, altered, or converted and any land or premises used in violation of any of the provisions of this chapter and code, or of any subsequent or later ordinances thereon, are hereby declared to be common nuisances and the owner thereof shall be guilty of maintaining a common nuisance, subject to the enjoining and abatement thereof.

(2) Any person found guilty of any such violation hereunder of any provisions of this chapter and code, or of any such later ordinances, shall be fined not less than ten dollars, or not more than three hundred dollars, and for violations continued or renewed after one conviction hereunder, each day's violation shall constitute a separate offense.

11-128. Separability of provisions.—The sections, sub-sections, districts and front yard lines forming a part of or established by this chapter and the several parts, provisions and regulations of this chapter are hereby declared to be independent sections, sub-sections, districts, front yard lines, provisions and regulations, and the holding of any such section, sub-section, district, front yard line, part, provision or regulation to be unconstitutional, void or ineffective for any causes shall not affect nor render invalid any other such section, sub-section, district, front yard line, part, provision or regulation of this chapter.

11-129. Repeal of parts of General Ordinance No. 114, 1922, as amended—Rights preserved.—Sections 1 to 21, inclusive, and sections 23 to 31, inclusive, of the original zoning ordinance, being General Ordinance 114, 1922, as amended, having been expressly repealed and section 22 amended and reordained by General Ordinance 104, 1950, as amended, except as to the district or zone map adopted by virtue of said ordinance, and as such map has been amended, and which map was expressly reordained and continued in effect by such aforesaid later ordinance and also is so reordained and continued by this chapter, as a restatement and codification thereof, such repeal of such prior original ordinance and amendments thereof is hereby reordained, as stated and limited aforesaid; Provided, however, That any rights of appeal or causes of action accrued and existing at the effective date of such repeal, under the provisions of any such prior original ordinance, as amended, or any rights, liabilities, or obligations, so then accrued and existing, or any actions, orders, or decisions of the commissioner of buildings, the city plan commission, the board of zoning appeals and the secretary thereof, which had been in effect at such effective date of said repeal, any whereof remain/in effect at this time, shall not be abrogated, affected, or impaired by such repeal and by the taking effect of this code.

11-130. Effective date and scope of chapter.—General Ordinance No. 104, 1950, as amended by any ordinances passed and approved prior to September 1, 1951, all as herein restated and changed only in administrative and minor details, and so herein recodified and reordained, are otherwise continued in effect from the effective dates thereof, and are so incorporated into and made a part of this chapter and title of this

Municipal Code; and this title and chapter shall not be regarded or construed as newly adopted zoning regulations, or as affecting or changing any rights in or uses of any property in this city so regulated, but only as the aforesaid modified restatement of such zoning regulations, as already duly and properly ordained by the common council in accordance with the statutes applicable thereto and those applicable to this Municipal Code and its adoption.

CHAPTER 2

THOROUGHFARE PLAN

SECTION.

11-201. Explanation of thoroughfare plan ordinance.

11-202. Preamble.

11-203. Thoroughfare plan and map.

SECTION.

11-204. Thoroughfares hereafter must conform to plan.

11-205. Definition.

11-201. Explanation of thoroughfare plan ordinance.—(1) The original thoroughfare plan for this city, as adopted by the city plan commission and ordained by General Ordinance No. 9, 1925, has never been amended in its text; but all subsequent amendments thereto have related only to changes in the plan to be shown on the map thereof, which was therein approved and incorporated, by reference thereto, and filed in the office of the city plan commission and is still on file there.

(2) So, such aforesaid thoroughfare plan ordinance, with such map and all changes therein in effect prior to September 1, 1951, and which map is so included herein by this reference thereto, is herein restated, codified, clarified and continued in effect and is so reordained in this chapter of this title; but with all the original sections renumbered to conform to the plan and style of this code and with the title and other formal parts omitted, as authorized by statute, and such ordinance, as so arranged and restated, is set out in the following sections of this chapter; and since it is impractical to publish such official map and plat, as herein so adopted by reference, it shall be and remain on file in the office of the city plan commission and be there available to the public, as so authorized by statute.

(3) All changes in said map and in the zone map by later ordinances shall automatically become a part thereof, as incorporated into this code, and need not be included in any supplements to this code.

11-202. Preamble.—Whereas, the city plan commission of the City of Indianapolis has heretofore, by resolution, adopted a thoroughfare plan for such city, indicating the location, alignment and width of thoroughfares within the limits of such city; and

Whereas, the board of public works of the City of Indianapolis has, by its resolution, heretofore approved such thoroughfare plan; therefore, be it ordained/by the common council of this city as follows:

11-203. Thoroughfare plan and map.—That the location, alignment and width of thoroughfares, as indicated on the map designated "Official Thoroughfare Plan of the City of Indianapolis," approved and adopted by the city plan commission and the board of public works of the City of Indianapolis, which map accompanies this ordinance and chapter and, together with all the figures, measurements, and designations thereon, is declared to be part hereof, (by this reference thereto, as kept on file

in the office of the city plan commission), shall all be and the same are hereby approved, adopted, and declared to constitute the official thoroughfare plan of the City of Indianapolis.

11-204. Thoroughfares hereafter must conform to plan.—That hereafter no thoroughfare in the City of Indianapolis shall be located, changed, widened, straightened, or vacated in any manner other than as indicated by the official thoroughfare plan, or as the same is hereafter amended and shown upon the aforesaid map.

11-205. Definition.—A “thoroughfare,” within the meaning of this chapter, shall be taken to mean a street, alley, highway, or public place within the City of Indianapolis which shall be designated at any time on the thoroughfare plan as having a width, as indicated thereon, of not less than forty feet between property lines throughout a length of not less than five blocks.

CHAPTER 3

PLAT APPROVALS BY CITY PLAN COMMISSION

SECTION.	SECTION.
11-300. Explanation of changes in restated plat ordinance.	11-306. Drawings with final application.
11-301. Application for approval of plats by city plan commission.	11-307. Consideration of applicants.
11-302. Preliminary application for approval of proposed plat.	11-308. Conditions of approval of plats.
11-303. Drawings of proposed plats.	11-309. Action on final application.
11-304. Action on preliminary application.	11-310. Fees with applications for plats.
11-305. Application for final approval of plat.	11-311. Construction of this chapter.
	11-312. Separability.
	11-313. Reordainment of existing ordinance.

11-300. Explanation of changes in restated plat ordinance.—(1) This chapter restates and codifies and also amends and supplements in certain details and changes the arrangement, and reordains in this changed form, General Ordinance No. 22, 1949, as it may have been amended prior to September 1, 1951, relating to the approval of plats by the city plan commission, and such ordinance is herein set out, after being so rearranged, renumbered and changed to conform to this code, as authorized by statute, and to clarify the language, purpose and order of procedure thereof; but this restatement does not alter the essential purpose, effect and substance thereof, and aside from the changes and amendments in form made herein, it is not intended to repeal, or abrogate, any material and controlling provisions of such prior ordinance, which shall continue in full force and effect, in the changed form thereof.

(2) The several original sections and sub-sections of such plat ordinance are all herein renumbered to conform to the plan of this code, and are herein also rearranged in more orderly sequence and are subdivided differently and given a different order, which for convenience of reference to the original ordinance is indicated as follows: section 1 is 11-301; section 2 and second clause of section 3 is 11-303; section 3, first clause, is 11-302; section 4, is 11-306; section 5, first and second clauses, is 11-304; and the third clause of section 5 is 11-305; section 6 is 11-307; section 7 is 11-308; section 8 is 11-309; section 9 is 11-310; section 10 is 11-311; section 11 is 11-312; and section 12 is 11-313, changed from applying only to the effective date of such original ordinance, so as to

apply to the date of the reordainment of such ordinance as a part of this code, as here set out in this chapter of title 11 thereof.

11-301. Application for approval of plats by city plan commission.—

(1) Any person, or persons, or corporation, desiring approval of a proposed plat, or replat, of a subdivision or resubdivision of land located within the territorial jurisdiction of the city plan commission shall file with said commission written application therefor, as herein required, for a certificate of approval. There shall be a preliminary application for a tentative approval, to be followed by another final application for a final approval, as hereinafter prescribed.

(2) Such applications shall be in the form approved and prescribed by the city plan commission, and each shall be signed and dated by the applicant and filed in triplicate, together with such number of copies of drawings of the proposed plat or replat and its supplementary details as is determined by the city plan commission to be necessary for proper review by said commission and by any other city departments or governmental agencies.

11-302. Preliminary application for approval of proposed plat.—Prior to the final application for a certificate of approval of any such proposed plat or replat of any lands, a separate preliminary application, accompanied by drawings sufficient to show the plan of the proposed plat or replat, or copies of such drawings, shall be filed with said city plan commission for its tentative approval, and these shall be subject to review by said commission and by other city departments or governmental agencies having jurisdiction over any matters involved in the tentative approval of the proposed plat or replat.

11-303. Drawings of proposed plats.—(1) All drawings of proposed plats or replats and all copies thereof shall show the direction of north and south and the scale of the drawings; the names of the owner or owners and of the registered engineer or surveyor preparing the drawings; and the name of the proposed subdivision or resubdivision. All such drawings and copies shall be made on white or light-colored sheets so that certifications and signatures affixed thereon will be plainly legible. They shall be prepared in any other respects as required by the commission, or by its executive secretary.

(2) Such drawings, or copies thereof, shall be on a scale not smaller than two hundred feet to the inch, and shall show the proposed arrangement and sizes of lots and the location of proposed streets, alleys, easements and building lines. In addition, all of the surrounding area, within a distance of one-quarter mile from the boundaries of the proposed plat or replat, shall be shown, including existing acreage and subdivided areas, with dimensions of lots or acreage parcels, and showing all existing streets, alleys and easements and also the location of waterways, railways, power lines and wooded areas.

11-304. Action on preliminary application.—(1) Upon the filing of a preliminary application for tentative approval, accompanied by any drawings required by the plan commission, or its executive secretary, and by the required number of copies thereof showing the proposed plat or replat, the executive secretary of the city plan commission shall transmit copies of the drawings and specifications as soon as possible and in all cases to the city civil engineer, the board of public works and

the board of public safety, and also to the board of park commissioners, or the board of sanitation commissioners, or to any other city department or any governmental agency, according as any thereof has any jurisdiction over any matters involved in the approval of the proposed plat or replat, for purposes of examining, investigating and studying the proposed plans and specifications; and such officials shall send to the city plan commission, as soon as possible, a written report of their respective findings and recommendations.

(2) Whenever a proposed plat or replat has been submitted in proper form for tentative approval and any such recommendations thereon have been received, the city plan commission shall review the application, drawings, or copies thereof, and specifications as filed, and shall give due consideration to the reports and recommendations received from any other city departments or governmental agencies. No hearing shall be required thereon. A roll-call vote of the members present shall be taken, to determine whether the commission grants, or refuses to grant, tentative approval and at least six affirmative votes shall be required for approval. Upon failure to obtain at least six affirmative votes, such application shall be denied. A record of the action taken shall be entered in the minutes of the commission, and the executive secretary shall thereupon notify the applicant in writing of the decision of the commission. Such notice, if of tentative approval, shall state that such approval does not qualify the plat or replat so approved for recording, and no certification of approval, signatures, nor seal shall be affixed to any drawings or copies thereof so approved. If approval is refused, such notice shall include a brief statement of the reasons therefor. Whereupon, the applicant shall be permitted to revise, amend or modify the application, drawings, or specifications, if he desires, so as to conform to the objections of the city plan commission, and to ask for a reconsideration of such application. The commission shall then again review the proposals as so revised, amended or modified, and shall take a roll-call vote as to tentative approval, with due record and notice thereof, as provided for the original application. All applications for tentative approval and for a reconsideration of a denial thereof shall be acted upon by the city plan commission within forty-five days after the respective date of filing same in the office of the city plan commission.

11-305. Application for final approval of plat.—(1) Whenever a proposed plat or replat has been given tentative approval by the city plan commission, the applicant shall thereupon file another application with the commission at its office, on a form as herein prescribed, for final approval of such plat or replat, or any part or section thereof, together with drawings and copies thereof and any necessary specifications; all of which shall be reviewed by the plan commission and any other officials in the same manner as herein provided for a review of preliminary applications for tentative approval.

(2) Such application for final approval shall be filed within sixty days after the date of a tentative approval, and upon receiving such application, the city plan commission shall set a date for a public hearing thereon, to be held at its office, or place designated by it, not later than forty-five days after receipt of such application. A written notice shall be served on or mailed to the applicant of the date set and of the place fixed for such hearing and due public notice thereof shall be given, as provided by law and by the rules and regulations of said commission;

Provided, however, That the date for filing such application may be postponed to a fixed date beyond the sixty day limit after tentative approval, if so mutually approved by said commission and by the applicant, or if the commission shall so order, upon request therefor by the applicant, and that the date of such hearing may be postponed to any later date as fixed by the commission, with written notice thereof served on or mailed to the applicant.

11-306. Drawings with final application.—(1) Drawings and copies thereof of proposed plats or replats, submitted with final applications to the city plan commission for public hearing and final action, shall be on a scale of one hundred feet to the inch and shall contain the following:

(a) A full and accurate description of the land to be subdivided or resubdivided, including a statement of the area of the plat or replat in acres, the number of lots and how they are numbered, a statement that the dimensions of lots, street widths, angles and curve data are fully and accurately shown on the drawings and that suitable monuments have been installed at corners and other important points, so as to provide reference points for future surveys or resurveys and that their locations are shown on the drawings; all of which shall be certified by a registered engineer or surveyor with his signature, date, registration number and seal.

(b) A declaration by the owner or owners of the real estate included in the plat or replat with respect to the laying-off, platting, replatting or subdividing of such real estate, designating a name therefor, and dedicating to the public all streets, alleys, or other areas that are intended to be, but have not been previously so dedicated.

(c) Such declaration shall include provisions, restrictions, or covenants, assuring adequate sanitation with respect to water supply, drainage, and sewage disposal and also adequate provision for installation of other essential utilities, the establishment of building lines, the improvement of streets in accordance with specifications approved by the city engineer and the board of public works the number of all streets and the installation of street identification signs of a design and fabrication approved by the city traffic engineer and the board of public works.

(d) Such declaration shall also contain any other data prescribed by the commission and may include any other reasonable, legal, and enforceable restrictions, or covenants, desired by the owner or owners of the described real estate, and provision shall be made for enforcement of any or all such provisions, restrictions, or covenants. A time may be set for termination thereof, if so desired, and provisions may be made for their revision, or for the extension of any time limits so prescribed.

(e) The complete declaration shall be dated and signed by the owner or owners and notarized.

(2) In addition to the drawings of plats or replats and copies thereof, as above specified, to be filed with all applications for final approval, supplementary drawings shall be submitted showing plans, profiles and cross-sections of streets, alleys, or public places, proposed to be improved, including pavements, curbs, drainage, sidewalks and street identification signs, with dimensions and specifications shown. Similar supplementary detail drawings shall be submitted, if required for

review of any other construction, such as streetlights, by any of the city departments, or other governmental agencies, having jurisdiction over any matters involved in the approval of the proposed plat or replat.

11-307. Consideration of applicants.—In determining whether an application for either a preliminary or final approval shall be granted, the commission shall consider and determine, among other things aforesaid, or as provided by statute, if the plat provides for each of the following:

(a) Coordination and alignment of subdivision streets and their proposed names with existing and planned streets or highways.

(b) Coordination with and extension of facilities included in the master plan for this city and other territory included therein.

(c) Establishments of minimum width, depth, and area of lots within the projected subdivision.

(d) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious and orderly development of the city or county.

(e) Fair allocations of areas for streets, alleys, parks, schools, public and semi-public buildings, homes, utilities, business and industry, or for such thereof as the commission finds and determines to be necessary.

11-308. Conditions of approval of plats.—(1) As conditions of approval, either tentative or final, of a plat or replat, the city plan commission may also require the following:

(a) That streets dedicated to the public, but not improved, shall be laid out, graded and improved according to plans and specifications furnished by the applicant and subject to approval by the city civil engineer and the board of public works, and that all such street improvements which are not executed by this city shall be subject to the issuance of permits by the board of public works and inspection by and the approval of the city civil engineer.

(b) That adequate provision be made for the installation of water supply, sewage disposal, drainage and all other utilities connections, according to the specifications therefor required by the city to be furnished by any private agencies involved and in conformance with any requirements of this code.

(c) That provision be made for schools, where so recommended by the board of school commissioners, and for recreational facilities, where so recommended by the board of park commissioners.

(d) That adequate provision be made to provide for and cooperate in traffic control and for all essential municipal or other governmental services.

(2) The city plan commission may approve a plat or replat of a subdivision or resubdivision in which the improvements and installations have not been completed, as required by the provisions of this chapter, if the applicant provides a bond, as follows:

(a) It shall be for the benefit of the City of Indianapolis, and be executed as required by law for such bonds.

(b) Be in an amount of penalty as determined by said commission and as recommended by the board of public works to be sufficient to complete and pay for the improvements and all installations according

to approved plans and specifications and subject to the approval of such work by the board of public works.

(c) Provide a surety satisfactory to said commission and approved by the city controller.

(d) Specify the time for the completion of the improvements and installations.

(3) Any funds received by the city from such bonds shall be held in a special fund to be used by the board of public works, without appropriation thereof, but only for the completion of the improvements and installations, for which they were provided and said board is authorized to make these improvements and installations, or to have them done, on the failure of the applicant to do so. Any balance of such funds not so required may be held and used to maintain such improvements for one year after completion, and then any surplus shall be refunded to such applicant, or to anyone then showing title thereto.

11-309. Action on final application.—(1) After completion of the hearing on an application for final approval of a plat or replat, the city plan commission shall by roll-call vote of the members present decide whether to grant or deny approval thereof, and at least six affirmative votes shall be required for approval. Upon failure to obtain at least six affirmative votes, such petition shall be denied. If the commission approves, it shall place a certification thereof on the original drawing and reproduced copies of the plat or replat, signed by the president and executive secretary, showing the date of such approval, and the commission's seal shall be affixed upon the original drawing and the reproduced copies thereof.

(2) If the commission denies approval of the application, the executive secretary shall notify the applicant of its action in writing, briefly stating or summarizing its reasons, and such action and reasons therefor shall be entered in the minutes of the commission.

(3) The applicant, at any time prior to the vote on final approval, may offer or agree to any amendment, revision, or modification of the proposed plat or replat, or of any supplementary detail plans or specifications, and if such amendment, revision or modification be approved and accepted by vote of at least six of the commission members present, it shall be shown in the record of the hearing, and the action on final approval will be governed accordingly.

(4) A final decision of the commission upon a final application may be reviewed by certiorari procedure, in the manner as now provided for the review of decisions of the board of zoning appeals, or in such manner as may be now or hereafter provided by law.

11-310. Fees with applications for plats.—(1) At the time of filing any application for approval of a plat or replat, the applicant shall pay to the city controller a fee according to the following schedule:

(a) On application for tentative approval of any plat or replat, the applicant shall pay a fee of two dollars.

(b) On application for a final approval of any plat or replat, the applicant shall pay a fee of ten dollars and if said application for final approval of a plat or replat proposes a subdivision or resubdivision providing for more than ten lots, parcels or tracts to be recorded, an

additional fee shall be paid at the rate of twenty-five cents for each lot, parcel or tract in excess of ten lots, but not more than fifty lots, plus an additional fee at the rate of ten cents for each lot, parcel or tract in excess of fifty lots.

(2) All such fees paid to the city controller shall be deposited in the city general fund.

11-311. Construction of this chapter.—This chapter, constituting a restatement, with rearrangement and amendments, and a reordainment of the existing ordinance thereon, shall not repeal, abrogate, annul, or in any other way impair or interfere with any existing provision of law or of this code applicable hereto. The intent of this ordinance is to complement and supplement the zoning ordinance of this city, as restated and codified in this title of this code, all as parts of the master plans of land uses and thoroughfares of this city, and this chapter shall therefore, be construed and considered to be incorporated into and as a part of such master plans.

11-312. Separability.—The several sections of sub-sections of this chapter and the several provisions and regulations thereof, or any parts thereof, are hereby declared to be independent sections, sub-sections, provisions and regulations, and the holding of any thereof to be unconstitutional, void, or ineffective for any causes, shall not affect nor render invalid any other such section, sub-section, provision or regulation, or any parts thereof.

11-313. Reordainment of existing ordinance.—This chapter of this title, as herein rearranged, amended and recast, constitutes a restatement and codification and a reordainment in such revised form, but without material changes in the substance or purpose of General Ordinance No. 22, 1949, and of any amendments thereto, as still in effect on September 1, 1951; and as so changed, amended and rearranged herein, it is hereby made a part of this Municipal Code.

CHAPTER 4

MISCELLANEOUS ZONING REGULATIONS

SECTION.

11-401. Monument circle.

SECTION.

11-402. Reports of zoning violations.

11-401. Monument Circle.—(1) It shall be unlawful hereafter for any person to erect any building or structure on the circular street known as Monument Circle, or to elevate any present structure thereon, to a height exceeding one hundred eight feet measured from the established sidewalk level at the property line to the highest point of the cornice of roof; Provided, however, That any such building or structure, or part thereof, may be extended to a height not to exceed one hundred fifty feet from the established sidewalk level at the property line, if that part of said building or structure above the height of one hundred eight feet shall not be nearer than twelve feet to the property line on Monument Circle or a line vertically perpendicular thereto. No plans for any building to be erected on said Monument Circle, or for the alteration, enlarging or for the improvement of any building thereon, shall be approved, or any permit therefor be issued, by the commissioner of buildings, nor shall any approval or permit for

any such buildings be granted by any officer of this city, if the height of such buildings, or of any such addition, alteration or repair, shall exceed the height provided for such building in this chapter, and if the aforesaid conditions be not complied with, and all other applicable provisions of this code be observed.

(2) The city, or any citizen thereof, or the State, at any time shall have the right to file an action to enjoin any violation of this chapter, or to abate any building erected or altered in violation hereof; and any permit granted for the erection, or alteration, of a building in violation hereof shall be void.

(3) Any person violating any of the provisions of this chapter, on conviction, shall be fined three hundred dollars and each day's maintenance of any such prohibited structure shall constitute a separate offense.

11-402. Reports of zoning violations.—The city building commissioner and all other officers or employees of the city who discover, or are informed of any violations of the zoning regulations of this city, shall report the same promptly to the executive secretary of the city plan commission for such action therein as is required by any provisions of this title and code, or of any later ordinance, or of any statute.